

Application No.: 10/071,154  
TC/A.U.: 1762 Docket No.: B01-59  
Reply to Office Action of April 1, 2004

### **REMARKS**

Claims 3, 5-6, and 8-10, appear in this application for the Examiner's review and consideration.

Claim 3 has been amended to recite with greater clarity the specific steps of the method wherein golf ball surfaces are subjected to a plasma discharge in an oil free environment. Support for the amended element is found in the Specification, at least on page 6, line 22 to page 7 lines 13.

Claims 4, 7 and 11 have been cancelled without prejudice to Applicant's right to file one or more continuing applications directed to any subject matter not presently claimed.

No new matter has been added by these amendments and additions.

### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 3-11 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 was rejected because "high" as in "high electrode voltage" didn't have an exemplary value. The word "high" has been deleted from claim 3 although the specification, on page 7, lines 20-22, does stipulate a range of voltage as 10 to 15 Mhz and an output of 900 to 1500 Watts across the electrodes.

Claim 11 was rejected for the use of the word "hard". The claim has been amended to remove the word "hard".

Claim 1 has been amended to specifically denote the order of steps and the specific exposure to plasma treatment.

Claim 11 has been cancelled and therefore the rejection as to "anodic coating" is made moot.

Claim 7 has been cancelled and the limitation as to the holes of the apparatus being individually machined is not an issue.

Application No.: 10/071,154  
TC/A.U.: 1762 Docket No.: B01-59  
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The phrase "drawing with a dry vacuum system a vacuum of" does not mean evacuating the chamber, but the claim has been amended to clarify that the process utilizes an apparatus that is "oil free" and the word "dry" may be confusing.

The rejection under 35 U.S.C. § 112, second paragraph, is therefore believed to have been overcome. Applicants respectfully request reconsideration and withdrawal thereof.

#### **Rejection Over Oyachi et al. In View of Mathis**

Claims 3 and 5-7 were rejected under 35 U.S.C. § 103(a) as being obvious over Oyachi et al. (U.S. 4,613,403) in view of U.S. Patent No. 5,370,737 to Mathis. Oyachi et al. is generally directed to a method wherein an apparatus holds golf balls and exposes them to unpolymerizable gas plasma. Oyachi does not disclose a method that utilizes a rotating tumbler as made by the Applicant, and which is connected to a two-stage oil free vacuum pump. The method employed in the Oyachi et al. patent does not protect the sealed casing holding the golf balls to exposure from the lubricating oil of the vacuum pump.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Mathis fails to cure the deficiencies of Oyachi et al. Although Mathis on page 4, lines 1 to 24, acknowledges the well known problem of contamination in the treatment chamber, there is no disclosure of utilizing an oil-free pump system to insure the cleanliness within the chamber.

The rejection under 35 U.S.C. § 103(a) is believed to have been overcome for at least the above reasons. Applicants respectfully request reconsideration and withdrawal thereof.

Application No.: 10/071,154  
TC/A.U.: 1762 Docket No.: B01-59  
Reply to Office Action of April 1, 2004

**Rejection Over Oyachi et al. In View of Mathis and Gaudreau and Yamazaki**

Claim 4 was rejected under 35 U.S.C. § 103(a) as being obvious over Oyachi et al. (U.S. 4,613,403) in view of Mathis (U.S. 5,370,737) and further in view of Gaudreau et al. (6,368,676B1) or Yamazaki (5,601,883). Claim 4 has been cancelled but the elements of the claim have been incorporated into claim 1 and further define it. It is believed that the rejection of claim 1 has been overcome and the elements of the cancelled claim 4 further define the limitations.

**Rejection Over Oyachi et al. In View of Mathis and further to Usui et al.**

Claims 8-10 were rejected under 35 U.S.C. § 103(a) as being obvious over Oyachi et al. (U.S. 4,613,403) in view of Mathis (U.S. 5,370,737) and further in view of Usui et al. (5,591,268). The Applicant respectfully disagrees with the Examiner's contention that Usui et al. teaches having a curved radius machined about the outer edges of the perforated holes. Usui does not mention this. The size and curved radius for each hole is critical to the method as holes that are too small will impede the evacuation and holes that are too large will cause damage to the golf ball surface. All the references cited are silent as to hole size and to providing a curved radius on the edges which assist in providing an even application of a protective coating necessary to protect the aluminum hole from erosion from the high intensity plasma (Specification page 8, lines 22-31).

**Rejection Over Oyachi et al. In View of Mathis and further in view of Kaji et al.**

Claim 11 was rejected under 35 U.S.C. § 103(a) as being obvious over Oyachi et al. (U.S. 4,613,403) in view of Mathis (U.S. 5,370,737) and further in view of Kaji et al. (5,895,586).

Claim 11 has been cancelled therefore making this rejection moot.

Application No.: 10/071,154  
TC/A.U.: 1762 Docket No.: B01-59  
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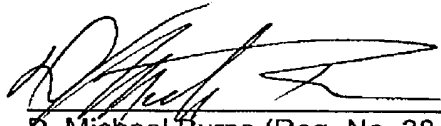
### Conclusion

Based on the remarks set forth above, Applicant believes that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' agent would further the prosecution of this application, the Examiner is encouraged to call the agent at the number below.

No fee is believed to be due for this submission. However, should any required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

6/30/2004  
Date

  
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